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July 11, 2024

Via ECF

The Honorable Arun Subramanian, U.S.D.J.
United States District Court, Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Milagros Franco v. 380 Second LLC et al Docket No. 1:22-cv-04011 (AS)(JW)

Dear Judge Subramanian:

We represent the plaintiff in the above-entitled case. Because the defendant Small Door Gramercy LLC (“Small Door”) has not provided its comments to the joint pretrial filings, plaintiff respectfully asks the Court for a short extension to the deadlines specified in this Court’s Order, ECF No. 140 for all the pretrial filings, including motions *in limine*, and copies of exhibits from July 12, 2024 at noon to July 22, 2024, at noon.¹ Plaintiff also respectfully requests that the Court direct defendant Small Door Gramercy LLC to provide the plaintiff and its co-defendant, 380 Second LLC, its comments and portions to the pretrial filings by no later than July 12, 2024 at noon. Additionally, plaintiff respectfully asks that the oppositions to any motions *in limine*, and any opposition to any legal argument in a pretrial memorandum be extended from July 26, 2024 at noon to August 2, 2024 at noon.

Plaintiff and defendant 380 Second LLC have conferred, communicated with each other and are working cooperatively to attempt to provide joint submissions to the Court. A meet and confer was held between these two parties on June 12, 2024.² Plaintiff provided draft joint documents to both defendants on a rolling basis, specifically, June 24, June 28 and July 1, 2024. Defendant 380 Second LLC sent comments and edits to those documents on July 9, 2024, noting that the revised documents did not include defendant Small Door’s proposed changes and comments. Having not received any comments, edits, or communication from defendant Small Door, on July 10, 2024 plaintiff emailed defendants seeking consent to this request for an extension of time, and also asked that defendant Small Door agree to provide comments and edits to the joint documents by July 12, 2024 at noon. No response was received from defendant Small Door.

¹ Plaintiff acknowledges and apologizes that this request was not made two full business days in advance of the due date as per this Court’s rules.

² Defendant Small Door’s counsel did not attend the previously confirmed meeting due to a last minute conflict.

In light of the foregoing, plaintiff seeks a short extension to finalize the joint submissions and their respective individual submissions once the comments and submissions from defendant Small Door Gramercy LLC have been received. This is the second request for an extension of time made by the parties. The first request was made by defendant 380 Second LLC on behalf of the parties on June 18, 2024 (ECF No. 139) which the Court granted (ECF No. 140).

Defendant 380 Second LLC consents to this request for an extension.³

Thank you for your time and attention to this matter.

very truly yours,

/s/

Susan K. Smith, Esq.

Application GRANTED. However, the Court will not grant further extensions of these deadlines, even on account of mediation.

Small Door is required to diligently comply with these deadlines. **Failure to do so will result in sanctions.** If Plaintiff and 380 Second LLC are unable to communicate with Small Door, they should submit the material without Small Door's input and alert the Court.

The Clerk of Court is directed to terminate the motion at ECF No. 143.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: July 11, 2024

³ Additionally, defendant 380 Second LLC is reaching out to the magistrate judge today to schedule a mediation in this matter.